

1 OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA
2 TONY LOPRESTI, State Bar #289269
KAVITA NARAYAN, State Bar #264191
3 MEREDITH A. JOHNSON, State Bar #291018
RAPHAEL N. RAJENDRA, State Bar #255096
4 HANNAH M. GODBEY, State Bar #334475
70 West Hedding Street, East Wing, Ninth Floor
5 San José, California 95110-1770
Telephone: (408) 299-5900
6 Facsimile: (408) 292-7240
E-Mail: Tony.LoPresti@cco.sccgov.org
7 Kavita.Narayan@cco.sccgov.org
Meredith.Johnson@cco.sccgov.org
8 Raphael.Rajendra@cco.sccgov.org
Hannah.Godbey@cco.sccgov.org
9

Attorneys for Plaintiff
County of Santa Clara, Calif.

11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA
14
15 SAN FRANCISCO DIVISION

15 AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO, *et*
16 *al.*,

17 Plaintiffs,

18 v.

19 DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

20 Defendants.
21
22
23
24
25
26
27
28

Case No. 3:25-cv-3698-SI

**SUPPLEMENTAL DECLARATION OF
SANTA CLARA COUNTY EXECUTIVE
JAMES R. WILLIAMS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

SUPPLEMENTAL DECLARATION OF JAMES R. WILLIAMS

I, JAMES R. WILLIAMS, declare:

1. I make this declaration in support of Plaintiffs' motion for a preliminary injunction. I am a resident of the State of California. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify to them competently under oath.

2. As I explained in greater detail in my original declaration dated April 30, 2025 and filed with the Court in this action on May 1, 2025 at ECF No. 37-58, I am the County Executive of the County of Santa Clara ("Santa Clara" or the "County"). As the chief administrative officer of the County, I am responsible for oversight of almost all of the County's approximately 25,000 employees and the proper administration of the County's operations. I am also responsible for implementing the County's policy agenda as set by the County's Board of Supervisors, and recommending and implementing the annual budget approved by the County's Board of Supervisors.

3. As explained in my original declaration, the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) is an essential partner for a range of Santa Clara's activities.

4. In addition to the points made in my original declaration, Santa Clara also relies on APHIS when it certifies agricultural products for export. A variety of requirements must be met before an agricultural product can be exported to a foreign nation. Product- and destination-specific rules apply when, for example, a local farmer wishes to export cherries to China, garlic to Mexico, or heirloom seeds to Canada—all of which are regular occurrences in Santa Clara County. Local government officials called Authorized Certification Officials (ACOs) are trained and accredited by APHIS to perform the function of inspecting agricultural products and certifying that they comply with U.S. export laws as well as the phytosanitary regulations of the importing nation. If an ACO's inspection reveals that a product is pest and disease free and complies with all applicable laws and regulations, the ACO issues a phytosanitary certificate for the product before export.

5. APHIS is responsible not only for training and accrediting ACOs, but also for maintaining the Phytosanitary Export Database (PExD) and the Phytosanitary Certificate Issuance & Tracking System (PCIT). The PExD is used by ACOs to review the full landscape of laws and

regulations applicable to a given product when that product is being exported to a specific foreign nation. APHIS hosts the database and regularly updates it to reflect any changes in law. The PCIT is used by ACOs to create phytosanitary certificates once the inspection process is complete for a given product, and to process payment from the exporter. I have reviewed a news report that indicates that hundreds of APHIS employees left their jobs on April 30, 2025, and after that an email from human resources identified at least 73 positions within APHIS that it stated “are especially critical to fill as soon as possible.”¹ If USDA’s ARRP diminishes the ability of APHIS to train and accredit new ACOs, process renewals of existing ACO accreditations, maintain and update the PExD, or maintain the PCIT, agricultural exports from Santa Clara County and throughout the nation could grind to a halt, inflicting significant harm on both the local and national economies. Santa Clara would also lose a revenue stream in the form of lost PCIT payments from exporters. Finally, the farming industry often operates with razor-thin profit margins. Even a temporary delay in the processing of phytosanitary certificates could lead to product spoilage, devastating small agricultural businesses in Santa Clara County and potentially leading to irreparable loss of local industry.

6. The National Institute for Occupational Safety and Health (NIOSH), a research agency housed within the Centers for Disease Control and Prevention (CDC), plays a critical role in protecting Santa Clara employees from hazards in the workplace. I have reviewed a news report that indicates that NIOSH has been virtually eliminated and the vast majority of its staff have been terminated or placed on leave.² Even diminishing NIOSH’s capacity, let alone ceasing altogether most of its functions, will have, and is already having, a significant negative impact on Santa Clara’s operations, employees, hospital patients, and residents.

7. NIOSH tests, evaluates, and/or certifies safety equipment, including Personal Protective Equipment (PPE) ranging from N95 respirators, face shields, and medical gowns to equipment designed to protect against hearing loss, such as noise reduction earmuffs. The

¹ A. Hsu, *After paying people to leave, one federal agency is scrambling to fill positions*, NPR (May 3, 2025), <https://perma.cc/8LH3-G7WN>.

² W. Stone, *Trump cuts demolish agency focused on toxic chemicals and workplace hazards*, NPR (May 2, 2025), <https://perma.cc/E5ZR-CR4W>.

1 elimination of NIOSH has caused and will cause virtually all of this work to stop. Indeed, I have
 2 seen on NIOSH's website the public announcements that "due to the reduction in force across
 3 NIOSH, no new respirator applications can be accepted,"³ "[n]o new health hazard evaluation
 4 requests can be accepted," "access to tools is limited," and information on NIOSH's Health Hazard
 5 Evaluations website "is not currently being updated."⁴

6 8. Santa Clara relies on NIOSH's review, testing, evaluation, and/or approval of PPE
 7 across its operations, including, but not limited to, in its hospitals and health clinics (where medical
 8 providers wear respirators, face shields, and medical gowns during various medical procedures, and
 9 members of the Sterile Processing Department wear impermeable gowns when using high-grade
 10 disinfectants to de-contaminate medical equipment between uses); its Department of Environmental
 11 Health (where staff members use PPE when sampling hazardous waste or investigating properties
 12 contaminated with methamphetamine); its Registrar of Voters (where workers standing near ballot-
 13 processing machines on Election Day wear PPE designed to protect against hearing loss); and its
 14 facilities operations (where workers conducting landscaping maintenance wear PPE when handling
 15 herbicides, fungicides, or pesticides).

16 9. Across many County departments and agencies, NIOSH's demise is already forcing
 17 Santa Clara to face immediate uncertainties related to procuring devices that must—under law, for
 18 worker safety, or pursuant to County policy or standard practice—possess NIOSH certifications or
 19 conform to NIOSH guidance. For example, I am aware of federal regulations promulgated by the
 20 Occupational Safety and Health Administration that require employers to provide NIOSH-certified
 21 respirators to workers who may be exposed to air contaminated with harmful dusts, fogs, fumes,
 22 mists, gases, smokes, sprays, or vapors. *See, e.g.*, 29 C.F.R. § 1910.134. But, as explained, NIOSH
 23 has already halted its review of new respirator applications, placing the County in an untenable
 24 position. The County expects that if NIOSH is and remains shuttered, there will be significant
 25 demand from both public and private institutions for the existing inventory of NIOSH-approved
 26

27 ³ NIOSH, *Respirator Approval Program* (archived May 7, 2025), <https://perma.cc/PA4X-TN53>.

28 ⁴ NIOSH, *Health Hazard Evaluations (HHEs)* (archived May 12, 2025), <https://perma.cc/8XEP-BKA9>.

1 equipment on the market. Indeed, Santa Clara has already devoted significant employee hours to
2 researching whether, when, and where to buy and store an emergency stockpile of NIOSH-approved
3 equipment. Taking respirators as an example, once the market runs dry, supply gaps would force the
4 County to either discontinue labor subject to Section 1910.134—including cancelling medical
5 procedures that are clinically indicated for patients, but which require the use of a NIOSH-certified
6 respirator—or procure and use PPE that NIOSH has not reviewed or approved, that may or may not
7 conform to the relevant safety standards, and that therefore place the County at risk of violating the
8 law and exposing patients and County employees to serious hazards.

9 10. Additionally, new PPE is developed and introduced to market all the time, both as
10 manufacturers seek to improve upon existing product designs and as emerging risks require the
11 development of new products. For example, respirator manufacturers often seek to enhance
12 wearability, including by reducing skin irritation and barriers to fulsome communication between
13 patient and provider. NIOSH, as the institution tasked with researching workplace hazards and
14 determining what type of PPE is needed to protect workers from harm, reviews and certifies new
15 PPE on a rolling basis. Without NIOSH, PPE will be frozen in time, depriving workers and the
16 public of improvements to existing products stemming from innovation as well as scientific research
17 and development. Workers and the public will also be left exposed to new and emerging hazards,
18 for which there is not yet any NIOSH-reviewed PPE. Moreover, NIOSH performs post-market
19 evaluations to ensure that manufacturers maintain the level of quality. Without NIOSH's post-
20 market evaluations, buying the same respirator from the same manufacturer could result in the
21 purchase of an inferior product. These risks are especially heightened for Santa Clara for several
22 reasons, including that it operates a large health and hospital system; that it is a hub for international
23 travel in light of its close proximity to four airports; that its employees may be designated disaster
24 service workers (as thousands were during the COVID-19 pandemic) and assigned to perform work
25 for which specific, and sometimes new or emergent, hazards require specific PPE; that it is home to
26 several sites, such as advanced biological and chemical research facilities, that pose especially
27 significant risks of bioterrorist attacks; and that its geographic location renders employees and
28 residents alike particularly susceptible to new and changing hazards, including infections and

1 respiratory and other atmospheric risks caused by wildfires and exacerbated by climate change.

2 11. NIOSH also played a critical role in the County's response to the pandemic, when
3 Santa Clara experienced the first known COVID-19-related death in the United States. When there
4 was an insufficient number of N95 respirators available in the global market to meet the County's
5 needs, NIOSH played a leading role in evaluating the efficacy of KN95 respirators—a similar
6 respirator that originated in China as an alternative to the N95 respirator. In addition to shaping
7 CDC guidance on the use of KN95 respirators, NIOSH provided KN95 testing and evaluation
8 services that were available to the public. NIOSH invited interested persons to send a small sample
9 of KN95 respirators they purchased from other countries to be tested at NIOSH's National Personal
10 Protective Technology Laboratory. NIOSH then published the results of these assessments, which
11 allowed the public to make informed decisions when purchasing substitutes for N95 respirators.⁵ To
12 the County's knowledge, no other entity is capable of or has the expertise to fill this gap in a credible
13 and unbiased way, leaving the public exposed to risk in the event of another infectious disease
14 outbreak or other significant public health event. If such an event were to arise when there was an
15 absence or undersupply of NIOSH-reviewed products on the market, NIOSH's decimation means it
16 would be unable to help the public—as well as Santa Clara and other entities responsible for
17 responding to public health events—to survive and remain healthy during such an event.

18 12. Santa Clara relies on NIOSH to help make informed decisions when facing both
19 “known unknowns” and “unknown unknowns.” NIOSH conducts research about a wide range of
20 topics such as workplace violence and hazards to, among other things, workers' reproductive health,
21 lung health, and hearing. In many cases, NIOSH is the only entity collecting the data, maintaining
22 the data, analyzing the data, and turning its analysis into concrete guidance for employers and
23 workers. Federal, state, and local government agencies in turn rely on that research and guidance to
24 develop their own regulations or policies. For example, Santa Clara's Office of Occupational Safety
25 & Environmental Compliance relies on NIOSH's research to develop County policies designed to

26
27
28 ⁵ See M. D'Alessandro et al., *Who Does What? The Roles of NIOSH, OSHA, and the FDA in Respiratory Protection in the Workplace* (Nov. 25, 2024), <https://perma.cc/WT79-5RHA>.

1 protect employees from environmental hazards such as chemical exposures (for example, workers
2 tackling weed abatement or construction-adjacent work) and other workplace hazards such as unsafe
3 noise (for example, workers stationed near County-owned roads and airports). Additionally, when it
4 conducts certain ergonomic assessments, Santa Clara relies on the NIOSH Lifting Equation to
5 inform procurement and staffing decisions, for example, to procure 25-lb bags of cement instead of
6 50-lb bags in order to reduce the risk of harm to workers required to lift and carry those bags.⁶

7 13. In addition, NIOSH carries a uniquely credible and centralized voice as a creator,
8 reviewer, and clearinghouse of reliable scientific study and its applications. The expertise it has
9 amassed over decades cannot be replaced. To illustrate, NIOSH has historically distributed
10 educational materials to local public health departments nationwide for free, to assist with public
11 education campaigns. Santa Clara does not have the resources to develop and maintain expertise in
12 all issue areas covered by NIOSH's materials, to develop and print similar materials in-house for
13 every such issue, or to maintain routinely updated websites to which it can refer employees and
14 residents. Moreover, some of NIOSH's research is longitudinal, spanning decades from initiation to
15 completion. Shuttering NIOSH could mean the loss of unpublished data, undermining decades of
16 research into topics such as environmental hazards and carcinogen exposure—research that is
17 unlikely to result in any kind of profit and so is unlikely to be taken up by private entities.

18 14. Santa Clara's Public Health Department is presently facing challenges addressing the
19 local impacts of a national Measles outbreak due to the reductions in force at NIOSH. Before
20 NIOSH's decimation earlier this month, during disease outbreaks NIOSH typically undertook
21 research, provided on-the-ground advice about how to contain the outbreak, and hosted a webpage
22 that provided critical information to the public. There is simply no complete replacement for
23 NIOSH's role, and the absence of any organized, credible, and consistent replacement for NIOSH's
24 work during the present Measles outbreak underscores the risk of imminent harm that NIOSH's
25 decimation poses to the County, its employees, and its patients and residents. The County simply
26 cannot fill the gap itself, most importantly because it does not have access to the data, knowledge of

27
28 ⁶ NIOSH, *Revised NIOSH Lifting Equation* (archived May 7, 2025), <https://perma.cc/7F65-KGYM>.

1 developing and on-the-ground facts, or scientists on staff with the long-term expert knowledge
 2 NIOSH had regarding threshold tipping points where the response of public agencies should shift.

3 15. NIOSH's ongoing research into industrial chemicals is the essential backdrop for the
 4 credibility of the PPE recommendations and recommended exposure levels (RELs) for certain
 5 chemicals contained in NIOSH's widely used Pocket Guide.⁷ These PPE recommendations and
 6 RELs can change based on NIOSH's development and assessment of new data and ongoing
 7 research. One example is respirable crystalline silica, also referred to as silica dust, a carcinogenic
 8 byproduct of construction-adjacent work, such as tilework.⁸ Another example is lead—NIOSH's
 9 lead RELs recently changed based on a new scientific consensus that harm from lead exposure
 10 occurs at lower levels than previously understood. Santa Clara relies on the Pocket Guide and
 11 NIOSH's ongoing research into RELs for industrial chemicals across numerous departments and
 12 agencies. For example, one of Santa Clara Valley Healthcare's labs uses formaldehyde, and it
 13 follows the Pocket Guide's standards for how long staff can be exposed to formaldehyde in an 8-
 14 hour shift. Additionally, when Santa Clara's Fire Department sends response teams to hazmat
 15 incident sites, the teams rely on the Pocket Guide to ensure they do not remain exposed to hazardous
 16 chemicals for longer than the time-weighted averages listed in the Guide. Without NIOSH's efforts
 17 to keep the science underpinning the Pocket Guide up to date—including revising its PPE
 18 recommendations and RELs in light of NIOSH's own research findings—both Santa Clara's
 19 employees and the public could be exposed to serious health hazards.

20 I declare under penalty of perjury under the laws of the United States of America that the
 21 foregoing is true and correct.

22 Executed on May 14, 2025 in Santa Clara County, California.

23
 24 
 25 JAMES R. WILLIAMS

26
 27 ⁷ NIOSH, *NIOSH Pocket Guide to Chemical Hazards* (archived on May 7, 2025),
<https://perma.cc/JZK6-C966>.

28 ⁸ E.g., NIOSH, *NIOSH Policy Statement: Respiratory Protection Recommendations for Airborne Exposures to Crystalline Silica* (Jul. 2008), <https://perma.cc/P7BJ-NJ47>.